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8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

10   OAKLAND DIVISION

11 UNITED STATES OF AMERICA,   )   No. CR-09-00641 SBA
)
12   Plaintiff,   )   ORDER GRANTING STIPULATED
)   REQUEST TO SET CHANGE OF PLEA
13   v.   )   AND SENTENCING ON DECEMBER 14,
)   2010 AND TO EXCLUDE TIME UNDER
14 GARY ANTHONY MUSCADINE,   )   THE SPEEDY TRIAL ACT
)
15   Defendant.   )   Date: September 22, 2010
)   Time: 2:30 p.m.
16   )   Court: Hon. Saundra Brown
)   Armstrong
17 _____)

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19   The parties jointly requested that the motion hearing in this matter be vacated and that

20 this matter be set for change of plea and sentencing on December 14, 2010 at 10:00 a.m. The

21 parties further requested that time be excluded under the Speedy Trial Act between September

22 15, 2010 and December 14, 2010 to allow time for the Court to consider the proposed plea

23 agreement to be entered into by the defendant and the attorney for the government, and to allow

24 time for the preparation of a Presentence Investigation Report by the United States Probation

25 Office. Defendant agreed that the Court may review the pre-plea Presentence Investigation

26 Report even though he has not yet pleaded guilty. Good cause appearing therefor, and pursuant

27 to 18 U.S.C. § 3161(h)(1)(G),

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STIP. REQ. TO SET CHANGE OF PLEA & SENTENCING ON DECEMBER 14, 2010 & TO EXCLUDE TIME
No. CR-09-00641 SBA

1   **IT IS HEREBY ORDERED** that this matter is set for change of plea and sentencing on

2   December 14, 2010 at 10:00 a.m., and that time between September 15, 2010 and December 14,

3   2010 is excluded under the Speedy Trial Act, and specifically pursuant to 18 U.S.C. §

4   3161(h)(1)(G), for consideration by the Court of a proposed plea agreement to be entered into by

5   the defendant and the attorney for the government.

6   **IT IS FURTHER ORDERED** that the United States Probation Office shall prepare a

7   Presentence Investigation Report.

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9   DATED:9/17/10

                                   HON. SAUNDRA BROWN ARMSTRONG

10   United States District Judge

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STIP. REQ. TO SET CHANGE OF PLEA & SENTENCING ON DECEMBER 14, 2010 & TO EXCLUDE TIME
No. CR-09-00641 SBA